

**BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA**

REGULAR MEETING

JULY 19, 2005

COUNTY COMMISSIONERS

Jennifer Hill, Chairman

Catherine C. Hanson, Vice Chairman

Robert A. Pool, District #2

Debbie Stivender, District #3

Welton G. Cadwell, District #5

Cindy Hall, County Manager

Sanford A. Minkoff, County Attorney

James C. Watkins, Clerk to the Board

DISCLAIMER

This booklet has been prepared for the convenience of the Board of County Commissioners in discussing matters before them. Every effort has been made to include all items to be discussed at this Board of County Commissioners meeting, however, Commissioners may add items, which are not a part of this Agenda, or items may be removed from consideration. While it has been the goal to present error-free information, we do not represent that documentation is without errors or omissions.

As a part of any public and formal meeting, the Board of County Commissioners may, from time to time, schedule a workshop during which they will receive information from staff, have discussions with staff and among themselves, and then proceed to give staff direction on the subject matter being discussed unless otherwise shown on the Agenda item. These discussions and workshops do not take the place of the formal public hearing process during which all public comment and formal action is taken.

The Board and staff welcome written comments prior to workshops and other meetings. If you have comments or questions regarding the subject matter of any Board action or workshop, please deliver your written comments to appropriate County staff or mail to the Board of County Commissioners, Post Office Box 7800, Tavares, FL 32778.

ITEMIZED AGENDA

July 19, 2005

9:00 A.M. Invocation

Pledge of Allegiance

I. AGENDA UPDATE

Discussion regarding proposed revisions to today's Agenda.

II. MINUTE APPROVAL

Tab 1 Approval of the following Minutes:

May 24, 2005	Regular Meeting
June 7, 2005	Regular Meeting

III. CLERK OF COURT'S CONSENT AGENDA

Tab 2 Approval of Clerk of Courts' Consent Agenda (Items 1 through 5):

1. Contractor Bonds: New, Cancellations, and Rider - Approval.
2. Satisfaction and Release of Fine for Bradley Brown, in the amount of \$6,000.00, dated August 21, 2002, and recorded in Official Record Book 02162, Pages 519-521, of the Public Records of the Clerk of Court of Lake County, Florida, on August 23, 2002. Judgment-Creditor acknowledges receipt of said monies as payment in full of said indebtedness and hereby acknowledges satisfaction of said Judgment and directs that said Judgment be canceled of record – Approval.
3. List of warrants paid prior to this meeting, pursuant to Chapter 136 of the Florida Statutes, which shall be incorporated into the Minutes as attached Exhibit A and filed in the Board Support Division of the Clerk's Office – Acknowledge receipt.
4. Notice from the Florida Public Service Commission – Docket Number 050078-EI. Petition for Rate Increase, by Progress Energy Florida, Inc., Issued June 24, 2005. Notice of Customer Service

Hearings to Progress Energy Florida, Inc., Florida Industrial Power Users Group, Florida Retail Federation AARP, Office of Public Counsel, White Springs Agricultural Chemicals, Inc., and all other interested persons. Hearing dates: July 20, 2005, Ocala, Florida; July 21, 2005, St. Petersburg, Florida; July 21, 2005, Clearwater, Florida; and September 27, 2005, Tallahassee, Florida – Acknowledge receipt.

5. Before the Florida Public Service Commission – Amended Notice of Commission Hearing and Prehearing to All Parties of Record and All Other Interested Persons – Docket Number 041464-TP. Petition for Arbitration of Certain Unresolved Issues Associated with Negotiations for Interconnection, Collocation, and Resale Agreement with Florida Digital Network, Inc., d/b/a FDN Communications, by Sprint-Florida, Incorporated – Issued June 29, 2005. A two-day public hearing will be held in the above referenced docket, to begin at the following time and place: Thursday, August 4, 2005, 9:30 a.m., Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida. Friday, August 5, 2005, has also been reserved for continuation of the hearing, if needed. A prehearing conference will be held at the following time and place: Monday, July 18, 2005, 1:30 p.m., Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida Any person requiring some accommodation at either the prehearing or conference or hearing, because of a physical impairment, should call the Division of the Commission Clerk and Administrative Services at (850) 413-6770, at least 48 hours prior to the prehearing conference or hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission, by using the Florida Relay Service, which can be reached at 1-800-955-8771 (TDD) – Acknowledge receipt.

RECOMMENDATION: Approval

IV. COUNTY MANAGER'S CONSENT AGENDA (Tabs 3 through 32)

A. Budget

Tab 3

1. Budget transfer – Solid Waste Long-Term Capital Projects Fund, Department of Environmental Services, Phase III Landfill. Transfer \$355,584.00 from Reserve for Operations to Professional Services. Funds are needed for Brown and Caldwell's proposal for design and permitting with the Phase III Cell I Landfill project at the Lake County Solid Waste Management Facility as approved by the Board of County Commissioners. Funds available in Reserve for Operations.

RECOMMENDATION: Approval

2. Budget transfer – Resort/Development Tax Fund, Department of Economic Development & Tourism. Transfer \$20,000.00 from Special Reserve to Aids to Private Organizations. Funds needed to partner with the Lake County Soccer League for sports structure improvements at their facility. Funds were not budgeted at the beginning of the year because partnerships with private organizations were not anticipated. Funds available in Special Reserve.

RECOMMENDATION: Approval

3. Budget transfer – Mosquito Management Fund, Department of Public Works, Special Services Division, Mosquito Management Section. Transfer \$8,236.00 from Reserve for Operations to Machinery & Equipment. A new pesticide spray system needs to be purchased to replace a smaller system. This will be used as a portable unit. Funds available in Reserve for Operations.

RECOMMENDATION: Approval

4. Budget transfer – Lake County Pollution Recovery Fund, Department of Environmental Services, Pollution Recovery Division. Transfer \$25,800.00 from Contractual Services (\$5,000.00), Machinery & Equipment (\$16,821.00), and Special Reserve (\$3,979.00) to Office Supplies. Additional funds are needed to purchase an upgraded Laboratory Information Management System (LIMS). Technology and regulatory requirements have out-paced the current LIMS. The existing system is not compatible with other programs and agencies that use Water Resource Management's data. Additional funds are also needed to cover unexpected purchases for the Fuel Oil Program, and office supplies. Funds available in Contractual Services, as the LIMS upgrade was mistakenly budgeted in this account. Additional funds are available in Machinery & Equipment, due to savings from other purchases and items not being purchased this year. The remaining funds are available in Special Reserves.

RECOMMENDATION: Approval

5. Capital Substitution – Park Impact Fee Trust Fund, Department of Public Works, Road Division, Park Impact Fees Section. Substitution of funds of \$231,986.00 with Improvements Other Than Buildings. The allocation for the Park Impact Fee fund is budgeted by district per resolution. The funding for the construction plans for the North East Community park is requested to encumber the purchase order to begin the process. The funding is available in the line item, but needs approval to fund the requisition. There are sufficient funds in the line item for the North District for this requisition.

RECOMMENDATION: Approval

6. Resolution to amend the General Fund in order to receive unanticipated revenue for Fiscal Year 2004/2005 in the amount of \$13,000.00 deposited into Contributions from other Agencies as matching funds from the Lake County Water Authority, and provide appropriations for the disbursement for Repair & Maintenance, for the Lake County Water Atlas Maintenance Agreement.

RECOMMENDATION: Approval

7. Resolution to amend the Mosquito Management Fund in order to receive unanticipated revenue for Fiscal Year 2004/2005 in the amount of \$2,368.00 deposited into Surplus Furniture/Fixtures/Equipment Sales, and provide appropriations for the disbursement for Machinery & Equipment.

RECOMMENDATION: Approval

8. Resolution to amend the General Fund in order to receive unanticipated revenue for Fiscal Year 2004/2005 in the amount of \$35,019.00 deposited into LAP Projects from the Florida Department of Transportation, and provide appropriations for LAP Projects for the landscaping and irrigation of SR-19.

RECOMMENDATION: Approval

9. Budget transfer – General Fund, Non-Departmental. Transfer \$60,000.00 from Reserve for Contingency to Aids to Private Organizations. Funds needed to help construct and maintain an Environmental Education Center at the Horticultural Learning Center, which was approved by the Board of County Commissioners on November 9, 2004. Funds available in Reserve for Contingency.

RECOMMENDATION: Approval

10. Approval of Check Request (Direct Pay) from the Friends of the Lake County Horticultural Center for funds to help construct and maintain an Environmental Education Center at the Horticultural Center, approved by the Board of County Commissioners on November 9, 2004. The request exceeds the County Manager's approval limit of \$25,000.00. Total payment is for \$60,000.00.

RECOMMENDATION: Approval

11. Budget transfer – General Fund, Non-Departmental. Transfer \$250,000.00 from Special Reserve to Aids to Government Agencies. Funds needed to cover the County's share of juvenile detention costs for July through September 2005. Funds were set aside and are available in Special Reserve.

RECOMMENDATION: Approval

12. Approval of Check request (Direct Pay) for the Department of Juvenile Justice to cover the County's share of juvenile detention costs for July 2005. the request exceeds the County Manager's approval limit of \$25,000.00. Total payment is for \$70,922.13.

RECOMMENDATION: Approval

B. Community Services

- Tab 4 Approval of the Community Development Block Grant (CDBG) Partnership Agreement with Community Care Health Services, Inc.; authorization for the Chairman to sign the Agreement; and to direct Community Services to execute the Agreement.

RECOMMENDATION: Approval

C. Economic Development

- Tab 5 Approval of a Real Estate Purchase and Sales Agreement between Lake County and Coopree, Inc. for the purchase of an easement for ingress, egress and provision of utility services over and across a portion of Lot 37 and Home Depot Replat Lot 2 for use as a roadway and utility corridor to access the adjacent property of Purchaser.

RECOMMENDATION: Approval

- Tab 6 Approval of funding up to \$20,000.00 for lighting for Soccer League at Hickory Point Sports Complex and approval of transfer from Special Reserve of \$20,000.00.

RECOMMENDATION: Approval

Tab 7 Approval of an Amendment to the Jobs Growth Investment Trust Fund Agreement between Lake County and Superior Concrete Construction, LLC to grant a one-time, one year extension in which to pull the previously awarded funds.

RECOMMENDATION: Approval

Tab 8 Approval of an Amendment to the Jobs Growth Investment Trust Fund Agreement between Lake County and Covenant Coach, Inc. to grant a one-time, one year extension in which to pull the previously awarded funds.

RECOMMENDATION: Approval

D. Growth Management

Tab 9 Approval and execution of a Satisfaction and Release of Fine for property owned by Harvey Huffstutler, Sr., CEB Case Number 53-98.

RECOMMENDATION: Approval

Tab 10 Approval and execution of a Satisfaction and Release of Fine for property owned by Harvey Huffstutler, Jr., CEB Case Number 52-98.

RECOMMENDATION: Approval

E. Procurement Services

Tab 11 Approval to award the contract for Architectural Design Services for the Lake County Fairgrounds and Exhibition Hall to Harvard Jolly, Inc., in accordance with RSQ Number 05-041 for Phase I in the amount of \$63,659.00.

RECOMMENDATION: Approval

Tab 12 Approval to award the contract for Remodeling and Renovation of the Agricultural Center to Southern Building Services, Inc. in accordance with Bid Number 05-076 for \$1,190,557.00

RECOMMENDATION: Approval

Tab 13 Approval to authorize and execute the First Amendment to the Scope of Services of the original Agreement to Herbert Halback, Inc., RFP Number 03-021, County-wide Parks & Recreation System Master Plan, and approval of associated Budget Change Request in the amount of \$231,986.00 for the Northeast Community Park.

RECOMMENDATION: Approval

F. Public Safety

Tab 14 Approval to transfer the Cable Television Franchise from Galaxy Cable, Inc., d/b/a Galaxy Cablevision (Galaxy) to Florida Cable, Inc.

RECOMMENDATION: Approval

G. Public Works

Tab 15 Approval to terminate Interlocal Agreement between Lake County and Marion County for the grading of Railroad Grade Road.

RECOMMENDATION: Approval

Tab 16 Approval to advertise for bids for Countywide Resurfacing Project Number 2005-10 at an estimated cost of \$892,722.75 from Renewal Sales Tax Capital Projects – Roads Fund, which will not be encumbered until after October 1, 2005.

RECOMMENDATION: Approval

Tab 17 Approval and authorization to release a Maintenance Bond in the amount of \$60,425.00 posted for Greater Pines Phase 8. Greater Pines Phase 8 consists of 55 lots – Commission District 2.

RECOMMENDATION: Approval

Tab 18 Approval and authorization to release two Maintenance Bonds in the amount of \$37,606.00 posted for Greater Pines Phase 9 and \$21,375.00 posted for Greater Pines Phase 10. Greater Pines Phase 9 consists of 55 homes and Phase 10 consists of 15 lots – Commission District 2.

RECOMMENDATION: Approval

<u>Tab 19</u>	Approval and authorization to release a Letter of Credit for Performance for Construction of Improvements in the amount of \$287,041.62 that was posted for Mission Park Phase III. Mission Park Phase III consists of 76 lots – Commission District 2.
	RECOMMENDATION: Approval
<u>Tab 20</u>	Approval of the revised, updated IFCO Systems Used Drums Pickup Agreement/Drum Acceptance Policy.
	RECOMMENDATION: Approval
<u>Tab 21</u>	Approval and signatures on Amendment 1 amending the State Funds amount of the Certified Budget for Arthropod Control for Fiscal Year 2004-2005.
	RECOMMENDATION: Approval
<u>Tab 22</u>	Approval and execution of a Resolution dedicating right of way for Woodlea Road (Number 3840), and a Utility Easement to the City of Tavares for a Lift Station at the Agricultural Center Property in conjunction with the Agricultural Center Improvement Project.
	RECOMMENDATION: Approval
<u>Tab 23</u>	Approval and execution of an Interlocal Agreement with the City of Leesburg for the transfer of jurisdiction for public road right of way.
	RECOMMENDATION: Approval
<u>Tab 24</u>	Approval and execution of a purchase agreement with Joe Middleton Groves, Inc., for right of way, and authorization for the Chairman of the Board of County Commissioners to sign any and all documents necessary for closing, in conjunction with the North Buckhill Road Paving Project, Phase 1, located in the Howey-in-the-Hills area in Section 36, Township 20 South, Range 25 East.
	RECOMMENDATION: Approval

Tab 25 Approval and execution of a purchase agreement with William P. Floyd, Jr., Individually and as President of Lake County Citrus Sales, Inc., for right of way, and authorization for the Chairman of the Board of County Commissioners to sign any and all documents necessary for closing, in conjunction with the Dewey Robbins Road Paving Project, Phase 1, located in the Howey-in-the-Hills area in Section 6, Township 21 South, Range 25 East.

RECOMMENDATION: Approval

Tab 26 Approval and execution of a purchase agreement with W. C. Davis and Dorothy E. Davis for right of way, and authorization for the Chairman of the Board of County Commissioners to sign any and all documents necessary for closing, in conjunction with the South Dewey Robbins Road Paving Project located in the Howey-in-the-Hills area in Section 6, Township 21 South, Range 25 East.

RECOMMENDATION: Approval

Tab 27 Approval and execution of a purchase agreement with William W. Hampton and Marilyn L. Hampton for right of way, and authorization for the Chairman of the Board of County Commissioners to sign any and all documents necessary for closing, in conjunction with the South Dewey Robbins Road Paving Project located in the Howey-in-the-Hills area in Section 5, Township 21 South, Range 25 East.

RECOMMENDATION: Approval

Tab 28 Approval and execution of a purchase agreement with Ruth M. Sasser for right of way, and authorization for the Chairman of the Board of County Commissioners to sign any and all documents necessary for closing, in conjunction with the CR 42 Intersection Realignment Project located in the Altoona area.

RECOMMENDATION: Approval

Tab 29 Approval and authorization to accept the final plat for Christopher C. Ford Commerce Replat Number 2 and all areas dedicated to the public as shown on the Christopher C. Ford Commerce Replat Number 2 plat. The Christopher C. Ford Commerce Park Replat Number 2 consists of two lots – Commission District 3.

RECOMMENDATION: Approval

Tab 30 Approval and authorization to accept the final plat for Arrowtree Reserve Phase II Partial Replat and all areas dedicated to the public as shown on the Arrowtree Reserve Phase II Partial Replat plat. Arrowtree Reserve Phase II Partial Replat consists of six lots – Commission District 3.

RECOMMENDATION: Approval

Tab 31 Approval and signature on Resolution to advertise Public Hearing for Vacation Petition Number 1053 by Scott F. and Mary L. Frost, Representative Mary Ludwig, to vacate three unnamed 16 foot wide right of ways, in the map of Yalaha, located in Section 15, Township 20 South, Range 25 East, in the Yalaha area – Commission District 3.

RECOMMENDATION: Approval

Tab 32 Approval and signature on Resolution to advertise Public Hearing for Vacation Petition 1054 by Harry Lerner to vacate a portion of right of way for Citrus Tower Boulevard, dedicated in the Plat of Lost Lake, Plat Book 50, Pages 64 through 69, inclusive located in Section 28, Township 22 South, Range 26 East, in the Clermont area – Commission District 2.

RECOMMENDATION: Approval

V. COUNTY MANAGER'S DEPARTMENTAL BUSINESS

A. Community Services (Tab 33)

Tab 33 Approval of the Lake County Hurricane Housing Recovery (HHR) Housing Assistance Plan (HAP); authorize the Chairman to sign and authorize submission to apply for funds; approve budgets for Fiscal Year 2004-2005 and Fiscal Year 2005-2006 to create and operate program and establish and fill new positions; authorize establishment of Hurricane Housing Recovery Program (HHRP) Fund to receive and account for expenditure of monies in the amount of \$1,030,922.00.

RECOMMENDATION: Approval

VI. PRESENTATIONS/PUBLIC HEARINGS

A. PRESENTATIONS – 9:00 A.M. or as Soon Thereafter

1. PRESENTATIONS

Tab 34 **PRESENTATION:** Update on Lake County Community Access Network and Program Status by Fletcher Smith, Director, Community Services and Howard Lerner, LCCAN Director, and Members of the Lake County Comprehensive Health Care Committee

Tab 35 **PRESENTATION:** Receive Plaque from State of Florida for Communities for a Lifetime Presented by Kathy Haviland, Chairperson, Lake County Elder Affairs Coordinating Council and Carole Green, State of Florida, Department of Elder Affairs

B. PUBLIC HEARINGS – 9:00 A.M. or as Soon Thereafter

1. PUBLIC HEARINGS

Tab 36 **PUBLIC HEARING:** Post-Publication Public Hearing for Federal Fiscal Year 2005 One-Year Action Plan relating to Community Development Block Grants and Approval of Adoption Resolution

Tab 37 **PUBLIC HEARING:** Ordinance Amending Section 2-24, Lake County Code, to be Entitled Investment of Surplus Funds; Authorized Investments

Tab 38 **PUBLIC HEARING:** Ordinance Establishing the Greater Lakes/Sawgrass Bay Community Development District (CDD)

Tab 39 **PUBLIC HEARING:** Ordinance Amending the Special Assessment Process

Tab 40 **PUBLIC HEARING:** Public Hearing for Vacation Petition Number 1055 by Lake County Board of County Commissioners, Growth Management Department to Vacate Rear Lot Utility and Drainage Easement, in the Plat of Village Green, Located in Section 16 and 21, Township 22 South, Range 25 East, in the Clermont Area – Commission District 3

CITIZEN QUESTION AND COMMENT PERIOD

At this point in the meeting, the Board of County Commissioners will hear questions, comments and concerns from the citizens of Lake County. Action will not be taken by the Board at this meeting but questions may be answered by staff or issues may be referred for appropriate staff action. If further action is necessary, the item may be placed on the agenda for further review and consideration. NOTE: Zoning or code enforcement matters which may be coming before the Board at a later date should not be discussed until such time as they come before the Board in a public hearing.

VII. OTHER BUSINESS (Tab 41 through 44)

- Tab 41 Appointment of individuals to vacant positions on the Comprehensive Health Care Committee.
- Tab 42 Appointment of an individual to a vacant position on the Mt. Plymouth-Sorrento Planning Advisory Committee to complete an unexpired term ending October 11, 2006.
- Tab 43 Appointment of Wanda McLendon as Fruitland Park's *alternate member* on the Lake County Library Advisory Board to complete an unexpired term ending February 28, 2008.
- Tab 44 Appointment/reappointment of Women's Hall of Fame Selection Committee.

VIII. REPORTS

A. County Attorney (Tab 45 through 47)

- Tab 45 Approval of Amendment to Lease Agreement with Moore Properties for storage space at Golden Triangle Shopping Center for Suite Number 6 (2,500 square feet) and Suite Number 7 (3,000 square feet) for one additional year beginning December 2, 2005 and ending December 2, 2006 for Supervisor of Elections.
- Tab 46 Approval of selection of members to sit on the Value Adjustment Board and request the School Board to appoint two members. An organizational meeting will be scheduled with the Value Adjustment Board on August 2, 2005.

Tab 47 Approval of renewal of Lease Agreement of property located at 1340 Citizens Boulevard in Leesburg for the Lake County Tax Collector's Leesburg Tag Agency.

B. County Manager

C. Commissioner Hill – Chairman and District #1

D. Commissioner Pool – District #2

E. Commissioner Stivender – District #3 (Tab 48)

Tab 48 Approval of removal of Jacquelin Dee Arndt from the Cultural Affairs Council.

F. Commissioner Hanson – District #4 (Tab 49)

Tab 49 Approval and execution of Proclamation proclaiming the month of August 2005 as Lake County Firefighter Appreciation Month.

G. Commissioner Cadwell – District #5

The County Commission reserves the right to move any Agenda item to an earlier time during the day as its schedule permits, except in the case of items and appointments that have been advertised in a newspaper for a specific time.

Pursuant to the provisions of Chapter 286, Florida Statutes, Section 286.0105, if a person decides to appeal any decision made by the County Commission with respect to any matter considered at this Commission meeting, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record may include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities needing assistance to participate in any of these proceeding should contact the Department of Facilities Development and Management at (352) 343-9760, 48 hours in advance of the scheduled meeting.

TENTATIVE AGENDA

JULY 25, 2005

9:00 A.M. Budget Retreat – Training Room, Room 233

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TENTATIVE AGENDA

JULY 26, 2005

9:00 A.M. Regular Meeting (Zoning and Road Vacations)

**5:05 P.M. PUBLIC HEARING: Ordinance for Adoption of Joint Land Development Regulations with
or as Soon the City of Clermont (Final Hearing)
Thereafter**

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TENTATIVE AGENDA

AUGUST 2, 2005

9:00 A.M. Regular Meeting

**9:00 A.M. PRESENTATION: Emeraldal Marsh Restoration Project by David Walker, St. Johns River
or as Soon Water Management District
Thereafter**

**9:00 A.M. PRESENTATION: Proclamation for Lake County Firefighter Appreciation Month to Jared
or as Soon Mielke, Lake County Firefighter and Muscular Dystrophy Association Coordinator
Thereafter**

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TENTATIVE AGENDA

AUGUST 9, 2005

9:00 A.M. Board Retreat

**9:00 A.M. PRESENTATION: Blueways
or as Soon
Thereafter**

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TENTATIVE AGENDA

AUGUST 16, 2005

9:00 A.M. Regular Meeting

**9:00 A.M. PRESENTATION: Minneola Ridge Area-Wide Traffic Study by Tindale Oliver and
or as Soon Associates, Inc.
Thereafter**

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TENTATIVE AGENDA

AUGUST 23, 2005

9:00 A.M. Regular Meeting (Zoning and Road Vacations)